

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:04-cr-0054-SEB-MJD
	)	
MICHAEL LEMASTER,	)	
	)	- 01
Defendant.	)	

**REPORT AND RECOMMENDATION**

On August 3, 2018, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on July 19, 2018. Defendant LeMaster appeared in person with his appointed counsel Dominic Martin. The government appeared by Barry Glickman, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Chris Dougherty.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant LeMaster of his rights and provided him with a copy of the petition. Defendant LeMaster orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant LeMaster admitted violations 1, 2, 3, and 4. [Docket No. 2.]
3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

<b><u>Violation Number</u></b>	<b><u>Nature of Noncompliance</u></b>
1	<p><b>“The defendant shall not commit another federal state or local crime.”</b></p> <p>On July 18, 2018, a search of Michael LeMaster's residence was conducted by the probation office, with the assistance of the Indianapolis Metropolitan Police Department. Located in the offender's bedroom, in his closet, was a box containing several vials of a liquid substance and hypodermic needles. The offender admitted the vials contained steroids. He was arrested by an officer of the Indianapolis Metropolitan Police Department and charged with Possession of a Controlled Substance, level 6 felony. The offender is in custody at the Marion County Jail awaiting processing and an initial hearing.</p>
2	<p><b>“The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance.”</b></p> <p>On June 18, 2018, the offender submitted a urine drug screen which tested positive for anabolic steroids. On July 18, 2018, he verbally admitted he had been using steroids for a period of six months and had been injecting himself with this drug.</p>
3	<p><b>“The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.”</b></p> <p>On June 18, 2018, the probation officer conducted a home exam, and learned the offender was in possession of a Mercedes vehicle, which he had not disclosed as owning or driving. Mr. LeMaster stated he purchased this vehicle from a friend named "Eric." When questioned further, he admitted he obtained the vehicle from Eric Nelson (register number 32672-068) a former Bureau of Prisons inmate he had been housed with previously. Eric Nelson is a convicted sex offender serving a 25 year term of supervised release in the Western District of Pennsylvania. It was later determined the offender did not purchase the vehicle from Mr. Nelson, but that it was a gift. On the offender's cell phone, probation discovered contact information for Eric Nelson.</p>
4	<p><b>“The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.”</b></p> <p>On July 13, 2018, the offender reported to the probation officer that he had lost his cell phone and that he would have to replace it. He provided a new</p>

cell phone number on July 17, 2018. During a search of the offender's residence on July 18, 2018, the cell phone which was reported lost was found hidden underneath his mattress in his bedroom. A text message on the phone to "Kidd" stated "I had to get another phone so Probation has one to look at."

4. The parties stipulated that:

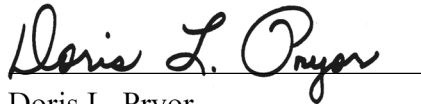
- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant's criminal history category is VI.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 21 to 27 months' imprisonment.

5. Parties jointly recommended a sentence of thirty (30) months with no supervised release to follow. Defendant LeMaster requested placement at FMC Lexington.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of thirty (30) months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation. The Magistrate Judge will make a recommendation of placement at FMC Lexington.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Date: 8/13/2018

  
Doris L. Pryor  
United States Magistrate Judge  
Southern District of Indiana

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